

To: CHRO Advisory Group

From: Affirmative Action Subcommittee

Teresa Younger, Chair
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Date: July 8, 2008

Re: Recommendations for Discussion

The AA Working Group met several times over the last few months. Our recommendations are based on various conversations with members of the Association of Affirmative Action Officers. The complexity of Affirmative Action issues is reflected in breadth of recommendations.

General Recommendations to the Advisory Group:

- We recommend an independent, outside third-party consultant or institution should be hired to conduct an in-depth management and organizational assessment and audit of the CHRO. In light of the current economic realities within the state, we recommend that assistance be solicited from institutions of higher education.
- The search for an Executive Director should be halted immediately, and should not resume until the conclusion of the external assessment and recommendations to the Governor. The search should not commence as long as the roles, responsibilities and accountability of the position of the Executive Director and the Commissioners are still undefined. We strongly believe the interests of the people of Connecticut would be better served by postponing the hiring process. Given the history of systemic issues within the CHRO, an interim director, external to CHRO, should be appointed who possesses extensive experience in organizational management, development and structures.

Recommendations for Governor's Initiatives

1. Acknowledging the complexity of the issues and the historical and political implications, **we recommend maintaining the current structure as is until the findings of the assessment.** A nine-member commission should continue to be responsible for the appointment of the executive director.
 - a. Clarifying statutes that define the roles and responsibilities of commissioners should be enacted and proper training should take place. Commissioners' involvement with the day-to-day operations of the agency should be removed; instead focusing them on broader complex policy

issues identifying and resolving issues of human and civil rights within the state of Connecticut; i.e., adverse impact and disproportionality of minorities in the areas of criminal justice and education.

- b. We recommend an amendment to 46a-52 Appointment of the appointing authorities to define the skill sets necessary of CHRO Commissioners to ensure proper knowledge and expertise of civil rights, human rights and related concerns.**
2. The state is no longer taking aggressive steps to ensure EEO, affirmative action and antidiscrimination initiatives. Agency heads are no longer committed and are not held accountable for their inaction. In light of this, **we recommend the Governor should reaffirm the state's commitment to equal employment, affirmative action and civil rights.** This affirmation should include a reminder that AAO staff report directly to agency heads as per statute. Training regarding the legal authority for Affirmative Action and the agency heads' commitment thereto shall be developed, with note taken to ensure consequences for agencies that continue a pattern of noncompliance. Support should be given to CHRO and it should immediately return to the issuance of Certificates of Noncompliance.
3. **It is recommended that the Governor direct DAS to fulfill the guidelines pursuant to Section 4-61t to ensure each agency has a viable upward mobility program.** Upward mobility plans and succession planning allow for the guaranteed development of employees through all race/sex groups.
4. **It is recommended that the Governor study the need to establish an Office of Diversity Ombudsman.** Such study shall examine the current independence of state AAO's to review issues of hiring, discrimination and other grievances without undue influence from agency heads, the Department of Administrative Services and the Attorney Generals Office.
5. **It is recommended that a distinction be made between the Human Resource professionals and AGD's.** Human Resource professionals should never be allowed to serve as AGD's as it presents a conflict of interest for human resources to investigate discrimination complaints regarding personnel and labor matters. **It is recommended that an opinion by the Attorney General's office be sought regarding this matter.**
6. It is recommended that the Governor **revise statutes to require the CHRO submit an annual report that reflects adverse impact and the progress of diversity, growth and affirmative action throughout the state to the Governor, General Assembly, LPRAC, AAAC and PCSW.** This should include an annual report card for all agencies that measure their diversity initiatives as well as affirmative action, set aside and contract compliance, and complaint handling achievements.

7. It is recommended that the Governor support **resource appropriations so that the CHRO fulfill its mandate and immediately address training needs throughout the state on plan development, contract compliance and complaint handling.**

To address the concerns expressed by AAAO's it is recommended that the Governor look into the various staffing issues:

1. Staffs in the field of Affirmative Action are paid lower than their Human Resources and agency managerial counterparts with comparable responsibilities and authority. **We recommend parity in compensation.**
2. Agencies routinely have assigned a minimum number of staff to handle the equity and diversity concerns within their agencies, resulting in a mock commitment to such programs as contract compliance, upward mobility, and affirmative action. **We recommend that agencies supply the adequate resources and staff to handle antidiscrimination complaints, programs and plans.**
3. It is recommended that **CHRO plan reviewers be compensated proportionately to the DAS analysts who monitor agency HR actions.** Staff currently are sorely underpaid, and reside in the same bargaining unit as the Affirmative Action Supervisor. All of these should be managerial positions.

Recommendations to CHRO:

There are actions that should be taken by the CHRO in order to address the needs and concerns that we have heard and promote the fluidity of the agencies processes.

1. The CHRO needs to be fully resourced so that it can effectively fulfill its mandate to protect the equal rights of all Connecticut citizens. The agency lost one-third of its staff within five years as it increased its numbers of plans, complaints filed, etc. In keeping with this, **it needs the technology necessary to provide better accessibility to all of its services throughout the state.**
2. **It is recommended that Regulations Review should occur every five years.**
3. It is further **recommended that written guidelines for the standard of review for agency affirmative action plans should be developed immediately, published and distributed widely.** The standard of review should be modified to include diversity initiatives, hiring and proactive programming as opposed to only numerical achievements.
4. To support the partnership of diversity between the CHRO and state agencies, during the review process **attention should be made to developing relationships and ongoing communication between Equal Opportunity Specialists and plan reviewers.**

5. **It is recommended to the CHRO that when an internal investigation is conducted, CHRO must consider the findings of the AA staff during the CHRO investigation and fact finding. Furthermore, regulations must be amended to bring consistency between the timelines for CHRO complaints (30 days with a 15 day extension) and internal agency responses (90 days).**
6. **It is recommended that the CHRO regulations be revised so that agencies with approved plans submit on a biennial basis.** During the off year, each agency would submit only its numerical data; i.e. hires, promotions, program goals, etc. to CHRO for review and comment. Disapproved plans would be submitted, in their entirety, on an annual basis.
7. As noted by the Executive Director, Contract Compliance is one of the agency's most important functions. The state must make a thorough commitment to Contract Compliance with the dedicated recruitment and retention of qualified SBE's and MBE's, a strong accountability for vendors and subcontractors, and a revitalized means to monitor agency efforts in this area. **The Contract Compliance regulations have not been reviewed or updated since 1990, and it is recommended that these regulations be reviewed.**